

## REMARKS

This application has been reviewed in light of the Office Action dated August 5, 2005. Claims 1-7, 14-16, and 19-22 are presented for examination. Claims 23 and 24 have been cancelled, without prejudice or disclaimer of subject matter. Claims 8-13, 17, 18, 25, and 26 have been cancelled, as being drawn to a non-elected invention. Claims 1, 5, 14-16, 19, and 21, which are the independent claims, have been amended as discussed below. Support for the amendments can be found, for example, in the Specification at paragraphs 10 and 40. Dependent Claims 2, 4, 6, 7, 20, and 22 have been amended as to matters of form, in a manner not believed to narrow the scope of the claims. Favorable reconsideration is requested.

Claims 1-4, 6-7, 14-16, and 19-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,052,468 ("Hillhouse").

Hillhouse relates to a method for re-securing key data files according to different security processes for mobility. For example, to port an encryption key secured using a fingerprint authentication process to a system having only a password authentication process, a user selects password authentication process, provides a fingerprint and is authorized, and provides a new password (abstract). The encryption key is then accessed according to the fingerprint authentication process and re-secured according to the password authentication process (abstract). The password authentication process must then be used to access the data (*see* col. 6, lines 61-65).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053

(Fed. Cir. 1987). Hillhouse does not teach or suggest a method for accessing a restricted service that includes the step of “presenting the registered method of authentication as the method of authentication for access to the restricted service, wherein if the registered method of authentication is inaccessible, the user is enabled to select a different method of authentication for access to the restricted service,” as recited in Claim 1.

As discussed above, the method employed in Hillhouse allows a user to re-secure a key data file by a different authentication method, in which case the newly selected authentication method must be used to gain access to the key data file. However, Hillhouse does not provide an alternative method of authentication “if the registered method of authentication is inaccessible”. For instance, according to the method disclosed in Hillhouse, if a user forgets the user identification and/or password or loses the smart card required to access the file or if the required hardware (*e.g.*, a smart card reader) is not available, the user will not be able to gain access to the file. The method will merely inform the user that the file is not accessible (*see, e.g.*, Hillhouse at col. 6, lns. 59-61). Therefore, Hillhouse does not teach or suggest each and every element as set forth in Claim 1.

Accordingly, it is respectfully submitted that Claim 1 is patentable over Hillhouse.

Independent Claims 14-16, 19, and 21 recite features similar to those discussed above with respect to Claim 1 and therefore are also believed to be patentable over Hillhouse for the reasons discussed above.

Claims 1-2, 5-6, 14-16, and 19-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,950,195 (“Stockwell”).

Stockwell relates to a system and method for regulating the flow of internetwork connections through a firewall having a network protocol stack, which includes an Internet Protocol (IP) layer. A determination is made of the parameters characteristic of a connection request, including a net-element parameter characteristic of where the connection request came from (col. 3, line 18-24). A query is generated, and a determination is made as to whether there is a rule corresponding to that query. If there is a rule corresponding to the query, then a determination is made as to whether authentication is required by the rule. If so, an authentication protocol is activated, and the connection is activated if the authentication protocol is completed successfully (col. 3, line 24-30).

Stockwell does not teach or suggest a method for accessing a restricted service that includes the step of “presenting the user-selected method of authentication as the method of authentication in order for the user to gain access to the restricted service, wherein if the user-selected method of authentication is inaccessible, the method enables the user to select a different method of authentication for gaining access to the restricted service”, as recited in Claim 1. Rather, as discussed above, Stockwell merely provides a list of allowed authentication methods, from which the user can choose, each time the user attempts to gain access (col. 6, line 16-22). Stockwell does not even contemplate what would occur “if the registered method of authentication is inaccessible”. Thus, Stockwell does not teach or suggest each and every element as set forth in Claim 1.

Accordingly, it is respectfully submitted that Claim 1 is patentable over Stockwell.

Independent Claims 5, 14-16, 19, and 21 recite features similar to those discussed above with respect to Claim 1 and therefore are also believed to be patentable over Stockwell for the reasons discussed above.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being obvious over Hillhouse in view of “Enabling and Configuring Authentication” (available at <http://www.freshinvest.com/iis/htm/core/iiauths.htm> or <http://www.microsoft.com/windows2000/en/server/iis/default.asp?url=/windows2000/en/server/iis/htm/core/iiauths.htm>).

“Enabling and Configuring Authentication” is cited as disclosing the selection of an authentication method using a dialog box. However, the combination of Hillhouse and “Enabling and Configuring Authentication” still would not teach or suggest “presenting the registered level of security for authentication as the level of security for authentication for access to the restricted service, wherein if the registered level of security for authentication is inaccessible, the user is enabled to select a different level of security for authentication for access to the restricted service”, as recited in Claim 5. Therefore, the combination of Hillhouse and “Enabling and Configuring Authentication”, assuming such a combination would even be proper, does not teach or suggest all of the features recited in Claim 5.

Accordingly, it is respectfully submitted that Claim 5 is patentable over Hillhouse in view of “Enabling and Configuring Authentication”.

Claims 3 and 7 were rejected under 35 U.S.C. § 103(a) as being obvious over Stockwell in view of “Enabling and Configuring Authentication”.

Claims 3 and 7 depend from Claim 1, which for the reasons discussed above is believed to be patentable over Stockwell. The combination of Stockwell and “Enabling and Configuring Authentication” still would not teach or suggest “presenting the user-selected method of authentication as the method of authentication in order for the user to gain access to the restricted service, wherein if the user-selected method of authentication is inaccessible, the method enables the user to select a different method of authentication for gaining access to the restricted service”, as recited in Claim 1. Consequently, the combination of Stockwell and “Enabling and Configuring Authentication”, assuming such a combination would even be proper, does not teach or suggest all the features recited in Claims 3 and 7.

Accordingly, it is respectfully submitted that Claims 3 and 7 are patentable over Stockwell in view of “Enabling and Configuring Authentication”.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carl B. Wischhusen", written over a horizontal line.

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